

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

Studio Zerbey LLC

Plaintiff,

V.

YS Built LLC

Defendant.

NO.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

PARTIES, JURISDICTION AND VENUE

1.1 Plaintiff Studio Zerbey LLC is a Washington company located at 6522 9th Ave. NW, Seattle WA 98117.

1.2 Defendant YS Built LLC is a Washington company located at 646 108th Ave.
SE, Bellevue, WA 98004

1.3 Subject matter jurisdiction is pursuant to 28 U.S.C. §1338(a).

1.4 Personal jurisdiction is proper because the Defendant's principal place of business is in this District and because the images and photographs at issue are of structures in this District.

COMPLAINT - 1

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1.5 Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) because the Defendant's principal place of business is in this District and because the images and photographs at issue are of structures in this District.

STATEMENT OF CLAIM

2.1 Plaintiff is an Architect that licensed images of its design and its photographs of projects built by Defendant.

2.2 The Defendant has breached the license by publishing images without the appropriate credits stipulated in the license.

2.3 Due to the Defendant's breach of the license, Plaintiff has terminated the license, yet Defendant continues to publish the images.

2.4 The Defendant has obtained additional images prepared by the Plaintiff, not ever licensed to Defendant and published them.

2.5 Plaintiff has requested the Defendant cease publication of the images to no avail.

2.6 Defendant has infringed Plaintiff's copyright in the images and photographs in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

2.7 Defendant's acts of infringement are intentional with indifference to Plaintiffs' rights.

2.8 As a result of the infringement by Defendant, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. § 504.

2.9 Plaintiffs are also entitled to Defendants' profits attributable to the infringement, pursuant to 17 U.S.C. § 504, including an accounting of and a constructive trust with respect to such profits.

2.10 Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

COMPLAINT - 2

2.12 Plaintiff believes that unless enjoined by this Court, Defendant will continue to infringe Plaintiff's copyright in the images and photographs.

2.13 Plaintiff is entitled to preliminary and permanent injunctive relief to enjoin Defendants' continuing infringing conduct pursuant to 17 U.S.C. § 502.

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REQUEST FOR RELIEF

1. For damages in such amount as may be found, or as otherwise permitted by law.

2. For an accounting of, and the imposition of constructive trust with respect to, Defendant's profits attributable to infringement of Plaintiffs' copyright in the images and photographs.

3. For a preliminary and permanent injunction prohibiting Defendant from continuing to infringe Plaintiff's copyright in the images and photographs.

4. For prejudgment interest according to law.

5. For Plaintiffs' attorneys' fees, costs, and disbursements in this action.

6. Such further relief as the Court deems just and equitable.

DATED: February 23, 2017.

Mendel Owens PS

By


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Attorneys for Plaintiff